

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FE S. GARRETT

Defendant.

Criminal Case No. 08CR0918-L

ORDER ALLOWING LIMITED
DISCLOSURE OF RETURN AND
RETURN INFORMATION AND
DISCOVERY PROTECTIVE ORDER

(26 U.S.C. § 6103(h)(4)(D);
Fed. R. Crim. P. 16(d)(1))

Pursuant to the authority afforded this court by Title 26, United States Code, Section 6103(h)(4)(D) and Federal Rule of Criminal Procedure 16(d)(1), to permit disclosure of third-party tax return and return information and make appropriate orders with respect to any and all discovery and inspection of documents and tangible objects, and for good and sufficient cause,

IT IS HEREBY ORDERED that the United States' Motion for Order Allowing Limited Disclosure of Tax Return Information and for Protective Order is hereby GRANTED.

IT IS FURTHER ORDERED that the United States may disclose to defense counsel and the defendant return and return information, in accordance with its discovery obligations pursuant to Federal Rule of Criminal Procedure 16 and Title 18, United States Code, Section 3500. For purposes of this Order, "return" and "return information" shall be defined as set forth in Title 26,

1 United States Code, Section 6103(b).

2 IT IS FURTHER ORDERED that the United States may disclose to defense counsel and the
3 defendant additional return or return information subject to its continuing duty of disclosure pursuant
4 to Federal Rule of Criminal Procedure 16(c) without making separate application to the Court.

5 IT IS FURTHER ORDERED that defense counsel shall maintain the returns and return
6 information provided by the United States in the defense counsel's custody and disclose return and
7 return information only to the defendant and defense counsel's investigator (who consents to the
8 jurisdiction and Order of this Court). Defense counsel shall not reproduce or disseminate any return
9 or return information without further order of the Court.

10 IT IS FURTHER ORDERED that, with respect to any copies made at the request and
11 expense of defense counsel of evidence which is stored by the Internal Revenue Service in relation
12 to this case, the following conditions shall apply:

13 1. Any and all return and return information contained therein shall be subject to this
14 Order; and

15 2. Any and all return and return information contained therein shall not be further copied
16 or disseminated without further order of the Court.

17 IT IS FURTHER ORDERED that with respect to any discovery provided by the government
18 in this case, said discovery is for use in the defense of this criminal case only and shall be returned
19 to the government upon demand for destruction after the completion of the proceedings.

20 IT IS FURTHER ORDERED that nothing herein requires the government to provide
21 discovery beyond what is required by Rule 16, Federal Rules of Criminal Procedure and the Court's
22 discovery orders and production schedule.

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1 IT IS FURTHER ORDERED that the defendant and defense counsel shall file an
2 acknowledgment of this Order within 10 days of the date of this Order.

3 **IT IS SO ORDERED.**

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5 DATED: April 22, 2008

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7 M. James Lorenz
8 United States District Court Judge
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